

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1740

Introduced by Assembly Member Jeffries

February 8, 2010

An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1740, as amended, Jeffries. Vehicles: specially constructed vehicles.

Existing law establishes a registration amnesty program for specially constructed vehicles, as defined, that have been previously registered or classified incorrectly and *also* requires that a specially constructed vehicle, upon registration with the Department of Motor Vehicles, be inspected by stations authorized to perform referee functions, for the purposes of determining the engine model-year used in the vehicle or the vehicle model-year, and the emission control system application.

Existing law also requires the department to annually provide a registration to no more than the first 500 of these vehicles that meet specified criteria.

This bill would increase this limitation to the first 750 vehicles that meet the specified criteria. The bill would provide that the registered owner of a specially constructed vehicle that is currently registered or incorrectly registered may change the vehicle's registration by complying with those specified criteria.

The bill would also require that an application for a change of registration is subject to the 750-vehicle limitation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 44017.4 of the Health and Safety Code*
2 *is amended to read:*

3 44017.4. (a) Upon registration with the Department of Motor
4 Vehicles, a passenger vehicle or pickup truck that is a specially
5 constructed vehicle, as defined in Section 580 of the Vehicle Code,
6 shall be inspected by stations authorized to perform referee
7 functions. This inspection shall be for the purposes of determining
8 the engine model-year used in the vehicle or the vehicle
9 model-year, and the emission control system application. The
10 owner shall have the option to choose whether the inspection is
11 based on the engine model-year used in the vehicle or the vehicle
12 model-year.

13 (1) In determining the engine model-year, the referee shall
14 compare the engine to engines of the era that the engine most
15 closely resembles. The referee shall assign the 1960 model-year
16 to the engine in any specially constructed vehicle that does not
17 sufficiently resemble a previously manufactured engine. The
18 referee shall require only those emission control systems that are
19 applicable to the established engine model-year and that the engine
20 reasonably accommodates in its present form.

21 (2) In determining the vehicle model-year, the referee shall
22 compare the vehicle to vehicles of the era that the vehicle most
23 closely resembles. The referee shall assign the 1960 model-year
24 to any specially constructed vehicle that does not sufficiently
25 resemble a previously manufactured vehicle. The referee shall
26 require only those emission control systems that are applicable to
27 the established model-year and that the vehicle reasonably
28 accommodates in its present form.

29 ***(b) The registered owner of a specially constructed vehicle that***
30 ***is currently registered or incorrectly registered may change the***
31 ***vehicle's registration by complying with the requirements of***
32 ***subdivision (a).***

33 ***(b)***

1 (c) Upon the completion of the inspection, the referee shall affix
2 a tamper-resistant label to the vehicle and issue a certificate that
3 establishes the engine model-year or the vehicle model-year, and
4 the emission control system application.

5 (e)

6 (d) The Department of Motor Vehicles shall annually provide
7 a registration *or change of registration* to no more than the first
8 500 750 vehicles that meet the criteria described in subdivision
9 (a) *or (b)* that are presented to that department for registration *or*
10 *change of registration* pursuant to this section. ~~The 500-vehicle~~
11 ~~annual limitation does not apply to the renewal of registration of~~
12 ~~a vehicle registered pursuant to this section.~~

13 (e) *The 750-vehicle annual limitation does not apply to the*
14 *renewal of registration of a specially constructed vehicle that was*
15 *previously registered by the Department of Motor Vehicles.*

16 SEC. 2. Section 4750.1 of the Vehicle Code is amended to read:

17 4750.1. (a) If the department receives an application for
18 registration of a specially constructed passenger vehicle or pickup
19 truck after it has registered ~~500~~ 750 specially constructed vehicles
20 during that calendar year pursuant to Section 44017.4 of the Health
21 and Safety Code, and the vehicle has not been previously
22 registered, the vehicle shall be assigned the same model-year as
23 the calendar year in which the application is submitted, for
24 purposes of determining emissions inspection requirements for
25 the vehicle.

26 (b) (1) If the department receives an application for registration
27 of a specially constructed passenger vehicle or pickup truck that
28 has been previously registered after it has registered ~~500~~ 750
29 specially constructed vehicles during that calendar year pursuant
30 to Section 44017.4 of the Health and Safety Code, and the
31 application requests a model-year determination different from
32 the model-year assigned in the previous registration, the application
33 for registration shall be denied and the vehicle owner is subject to
34 the emission control and inspection requirements applicable to the
35 model-year assigned in the previous registration.

36 (2) For a vehicle participating in the amnesty program in effect
37 from January 1, 2010, until December 31, 2010, pursuant to Section
38 9565, the model-year of the previous registration shall be the
39 calendar year of the year in which the vehicle owner applied for
40 amnesty. However, a denial of an application for registration issued

1 pursuant to this paragraph does not preclude the vehicle owner
2 from applying for a different model-year determination and
3 application for registration under Section 44017.4 of the Health
4 and Safety Code in a subsequent calendar year.

5 (c) (1) The Bureau of Automotive Repair may charge the
6 vehicle owner who applies to participate in the amnesty program
7 a fee for each referee station inspection conducted pursuant to
8 Section 9565. The fee shall be one hundred sixty dollars (\$160)
9 and shall be collected by the referee station performing the
10 inspection.

11 (2) A contract to perform referee services may authorize direct
12 compensation to the referee contractor from the inspection fees
13 collected pursuant to paragraph (1). The referee contractor shall
14 deposit the inspection fees collected from the vehicle owner into
15 a separate trust account that the referee contractor shall account
16 for and manage in accordance with generally accepted accounting
17 standards and principles. Where the department conducts the
18 inspections pursuant to Section 9565, the inspection fees collected
19 by the department shall be deposited into the Vehicle Inspection
20 and Repair Fund.

21 ~~SECTION 1. Section 44017.4 of the Health and Safety Code~~
22 ~~is amended to read:~~

23 ~~44017.4. (a) Upon initial registration with the Department of~~
24 ~~Motor Vehicles pursuant to Section 4750.1 of the Vehicle Code,~~
25 ~~a passenger vehicle or pickup truck that is a specially constructed~~
26 ~~vehicle, as defined in Section 580 of the Vehicle Code, shall be~~
27 ~~inspected by stations authorized to perform referee functions. This~~
28 ~~inspection shall be for the purposes of determining the engine~~
29 ~~model-year used in the vehicle or the vehicle model-year, and the~~
30 ~~emission control system application. The owner shall have the~~
31 ~~option to choose whether the inspection is based on the engine~~
32 ~~model-year used in the vehicle or the vehicle model-year.~~

33 ~~(1) In determining the engine model-year, the referee shall~~
34 ~~compare the engine to engines of the era that the engine most~~
35 ~~closely resembles. The referee shall assign the 1960 model-year~~
36 ~~to the engine in any specially constructed vehicle that does not~~
37 ~~sufficiently resemble a previously manufactured engine. The~~
38 ~~referee shall require only those emission control systems that are~~
39 ~~applicable to the established engine model-year and that the engine~~
40 ~~reasonably accommodates in its present form.~~

1 ~~(2) In determining the vehicle model-year, the referee shall~~
2 ~~compare the vehicle to vehicles of the era that the vehicle most~~
3 ~~closely resembles. The referee shall assign the 1960 model-year~~
4 ~~to any specially constructed vehicle that does not sufficiently~~
5 ~~resemble a previously manufactured vehicle. The referee shall~~
6 ~~require only those emission control systems that are applicable to~~
7 ~~the established model-year and that the vehicle reasonably~~
8 ~~accommodates in its present form.~~

9 ~~(b) Upon the completion of the inspection, the referee shall~~
10 ~~affix a tamper-resistant label to the vehicle and issue a certificate~~
11 ~~that establishes the engine model-year or the vehicle model-year,~~
12 ~~and the emission control system application.~~

13 ~~(c) The Department of Motor Vehicles shall annually provide~~
14 ~~a registration to no more than the first 750 vehicles that meet the~~
15 ~~criteria described in subdivision (a) that are presented to that~~
16 ~~department for registration pursuant to Section 4750.1 of the~~
17 ~~Vehicle Code. The 750-vehicle limitation does not apply to the~~
18 ~~renewal of registration of a vehicle registered pursuant to Section~~
19 ~~4750.1 of the Vehicle Code.~~

20 ~~(d) The registered owner of a specially constructed vehicle that~~
21 ~~is currently registered or incorrectly registered may change the~~
22 ~~vehicle's registration by complying with the requirements of~~
23 ~~subdivision (a).~~

24 ~~SEC. 2. Section 4750.1 of the Vehicle Code is amended to~~
25 ~~read:~~

26 ~~4750.1. (a) If the department receives an application for~~
27 ~~registration of a specially constructed passenger vehicle or pickup~~
28 ~~truck and the vehicle has not been previously registered, the vehicle~~
29 ~~shall be inspected pursuant to Section 44017.4 of the Health and~~
30 ~~Safety Code, for purposes of determining the model-year and the~~
31 ~~emissions inspection requirements for the vehicle.~~

32 ~~(b) For a vehicle that participated in the amnesty program in~~
33 ~~effect from January 1, 2010, until December 31, 2010, pursuant~~
34 ~~to Section 9565, the model-year of the previous registration shall~~
35 ~~be the calendar year of the year in which the vehicle owner applied~~
36 ~~for amnesty.~~

37 ~~(c) (1) The Bureau of Automotive Repair may charge the~~
38 ~~vehicle owner who applies to participate in the amnesty program~~
39 ~~a fee for each referee station inspection conducted pursuant to~~
40 ~~Section 9565. The fee shall be one hundred sixty dollars (\$160)~~

1 and shall be collected by the referee station performing the
2 inspection.
3 (2) A contract to perform referee services may authorize direct
4 compensation to the referee contractor from the inspection fees
5 collected pursuant to paragraph (1). The referee contractor shall
6 deposit the inspection fees collected from the vehicle owner into
7 a separate trust account that the referee contractor shall account
8 for and manage in accordance with generally accepted accounting
9 standards and principles. Where the department conducts the
10 inspections pursuant to Section 9565, the inspection fees collected
11 by the department shall be deposited into the Vehicle Inspection
12 and Repair Fund.